
By: **Delegates Niemann, Kelley, and Parker**
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Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Cable Television - Presumption**

3 FOR the purpose of establishing a certain presumption of knowledge by certain
4 persons of theft of cable services, with a certain exception; and generally
5 relating to theft of cable television services.

6 BY repealing and reenacting, with amendments,
7 Article - Criminal Law
8 Section 7-303
9 Annotated Code of Maryland
10 (2002 Volume and 2003 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Criminal Law**

14 7-303.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) "Cable television company" means a franchised or private cable
17 television company.

18 (3) "Cable television service" means:

19 (i) cable and satellite cable programming;

20 (ii) service provided by or through the facility of a cable television
21 system or a closed circuit coaxial cable communication system; or

22 (iii) a microwave, satellite, or similar transmission service used
23 with a cable television system or a closed circuit coaxial cable communication system.

24 (b) (1) Destroying, damaging, cutting, tampering with, installing, tapping,
25 removing, displacing, or connecting with a wire, conduit, apparatus, or other

1 equipment of a cable television company is prima facie evidence of an intent to receive
2 cable television services without payment.

3 (2) Actual possession of a device designed to facilitate an act prohibited
4 by this section, or possession and control of a quantity of those devices indicating
5 possession for resale, is prima facie evidence of an intent to violate this section.

6 (3) (I) THIS PARAGRAPH DOES NOT APPLY TO AN OWNER OF
7 RESIDENTIAL PROPERTY WHO DOES NOT RESIDE AT THE PROPERTY.

8 (II) THE OWNER OR LESSEE OF A RESIDENTIAL PROPERTY AT
9 WHICH A VIOLATION OF THIS SECTION OCCURS IS PRESUMED TO KNOW OF THE
10 VIOLATION PROVIDED WRITTEN NOTIFICATION BY WAY OF CERTIFIED OR
11 REGISTERED MAIL HAS BEEN SENT AT LEAST 30 DAYS PRIOR TO THE FILING OF
12 CHARGES.

13 (c) A person may not:

14 (1) destroy, damage, cut, tamper with, install, tap, remove, displace, or
15 connect with a wire, conduit, apparatus, or other equipment of a cable television
16 company with the intent to receive cable television services without payment;

17 (2) prevent, obstruct, or delay the sending, conveyance, distribution, or
18 receiving of programming material transmitted by a cable television company;

19 (3) with the intent to deprive a person of lawful compensation, receive,
20 attempt to receive, or assist another to receive:

21 (i) cable television service by trick, use of a decoder, or other
22 fraudulent means; or

23 (ii) satellite cable programming that is:

24 1. offered for sale in the person's area through an
25 unauthorized marketing system; or

26 2. received by decoding encrypted satellite cable
27 programming;

28 (4) without authority from the cable television company, connect with a
29 cable, wire, component, or other device used to distribute cable television service;

30 (5) alter:

31 (i) a device installed with the authorization of a cable television
32 company to intercept or receive a program or service carried by the company; or

33 (ii) equipment capable of decoding encrypted satellite cable
34 programming to intercept or receive satellite cable programming; or

1 (6) sell, rent, or offer for sale or rent a device or a plan for a device
2 knowing that the recipient intends to use the device or to plan to do an act prohibited
3 by this section.

4 (d) (1) Except as provided in paragraph (2) of this subsection, a person who
5 violates this section is guilty of a misdemeanor and on conviction is subject to:

6 (i) for a first violation, imprisonment not exceeding 6 months or a
7 fine not exceeding \$1,000 or both; or

8 (ii) for each subsequent violation, imprisonment not exceeding 1
9 year or a fine not exceeding \$2,500 or both.

10 (2) A person who commits an act prohibited by this section for payment
11 or offer of payment is guilty of a misdemeanor and on conviction is subject to
12 imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

13 (e) A cable television company may bring an action to enjoin a violation of this
14 section.

15 (f) In addition to the penalties under subsection (d) of this section, a person
16 who violates subsection (c)(3) or (6) of this section is liable to the aggrieved cable
17 television company for all appropriate civil damages awarded by a court.

18 (g) A device used to violate this section is subject to seizure by and forfeiture
19 to the State.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
21 effect October 1, 2004.